

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

UNIVERSAL REEFERS LTD.,

Plaintiff,

08 CV 5500 (JGK)

v.

DGM COMMODITIES  
a/k/a DGM COMMODITIES CORP.,

Defendant.

-----X

**DEFENDANT DGM COMMODITIES CORP.'S DECLARATION  
IN SUPPORT OF MOTION TO VACATE THE ATTACHMENT**

Pursuant to 28 U.S.C. § 1746, Mr. Nikolai Pirtskhalaishvili, declares under the penalty of perjury that:

1. I, Nikolai Pirtskhalaishvili, am the Executive Vice President of Defendant DGM COMMODITIES CORP. (hereinafter "DGM Commodities"), a party to this action.
2. I am fully familiar with the matters set forth in this declaration, which is submitted in support of Defendant DGM Commodities Corp.'s Motion to Vacate the Order and Process of Attachment.
3. Defendant DGM Commodities is an exporter and distributor of food and poultry products from the United States to various countries around the world. It is registered as a domestic corporation with the New York Department of State Division of Corporations, and its principal office located at 49 Watermill Lane, Great Neck, New York, 11201, about 20 miles from the United States Courthouse in Manhattan. A copy of the listing from the New York State Division of Corporations is attached as Exhibit 1. Please note that the single reference to 48 Watermill Lane is a typographical error. All references to 49 Watermill Lane are correct.

4. Our offices were previously located less than half a mile away at 111 Great Neck Road, Suite 208, Great Neck, New York, 11021. We moved to the current location at 49 Watermill Lane on July 7, 2007. DGM Commodities has been located in Great Neck, New York, since 2002.

5. At all times since DGM Commodities first established its offices in Great Neck, our telephone number of (516) 487-9898 and fax number of (516) 487-9889 have remained the same. These are the same numbers on our current website and in our telephone listing on [www.superpages.com](http://www.superpages.com) and in the printed telephone book. These telephone listings are attached as Exhibit 2.

6. In addition to leased office space in Great Neck, DGM Commodities employs 8 people - all New York State residents, maintains banks accounts in New York State, pays New York State taxes, and conducts business throughout New York State, including Manhattan.

7. Any legal process for DGM Commodities can be served through the Secretary of State of New York or at our current address of 49 Watermill Lane, Great Neck, New York. When DGM Commodities moved from our previous address of 111 Great Neck Road, Great Neck, New York, we obtained mail forwarding through the US Postal Service and to this date continue to receive a very limited amount of residual mail this way.


8. As to the subject dispute between DGM Commodities and Universal Reefers Ltd. (hereinafter "Universal Reefers"), arbitration has been demanded and DGM Commodities has already appointed London solicitors to participate on its behalf. Universal Reefers has submitted a claims statement. I understand that DGM Commodities is, with the consent of Universal Reefers, scheduled to file its response in late July of 2008.

9. Even though DGM Commodities continues to disagree with Universal Reefers as to the total amount of demurrage and detention due and owing, DGM Commodities has already paid US \$554,062.55 to Universal Reefers to address these types of damages for the subject voyage.

10. If called as a witness, I would testify to the above upon my own personal knowledge and belief.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 30, 2008 in Great Neck, New York

By:



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Nikolai Pirtskhalaishvili  
Executive Vice President  
DGM Commodities, Corp.  
49 Watermill Lane  
Great Neck, NY 11021  
Ph: (516) 487 - 9898  
Fax: (516) 487 - 9889  
[www.dgmholding.com](http://www.dgmholding.com)

## **EXHIBIT 1**

# NYS Department of State

## Division of Corporations

### Entity Information

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Selected Entity Name: DGM COMMODITIES, CORP.

#### Selected Entity Status Information

**Current Entity Name:** DGM COMMODITIES, CORP.

**Initial DOS Filing Date:** JUNE 16, 2000

**County:** NASSAU

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC BUSINESS CORPORATION

**Current Entity Status:** ACTIVE

#### Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

DGM COMMODITIES, CORP.

48 WATERMILL LANE

GREAT NECK, NEW YORK, 11021

#### Chairman or Chief Executive Officer

DAVID ELLIA

49 WATERMILL LANE

GREAT NECK, NEW YORK, 11021

#### Principal Executive Office

DGM COMMODITIES, CORP.

49 WATERMILL LANE

GREAT NECK, NEW YORK, 11021

#### Registered Agent

NONE

NOTE: New York State does not issue organizational identification numbers.

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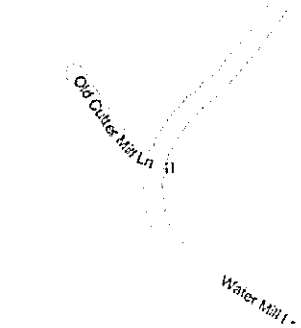
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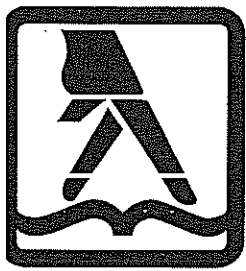


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Devita Gregory A MD 650 Northern Blvd Grt Nck 11021.....	466-7000
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Devito Custom Painting 4041 John St Seaford 11783.....	785-1400
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Devor & Assocs 769 Empire Ave Fr Rckvly 11691.....	Cedarhurst Tlno 569-3500
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DeWitt & Higgins Atlys 26 Robinson Ave Gln Cv 11542.....	676-3679
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Dexter Magnetic Materials Div 400 Karin Ln Hcksvl 11801.....	822-3311
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